

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

**Gwendolyn Bailey,  
2438 Cross Ridge Road  
Perrysburg, Ohio 43551**

**Plaintiff,**

**-vs-**

**Tyler Joseph Clair,  
2341 Lewis Avenue  
Ida, Michigan 48140**

**and**

**Secord Farms, LLC,  
10957 Telegraph Road  
Erie, Michigan 48133**

**and**

**Abess H. Awada,  
7559 West Morrow Circle  
Dearborn, Michigan 48126**

**and**

**Calhoun Truck Lines, LLC  
9845 West 74<sup>th</sup> Street  
Eden Prairie, Minnesota 55344**

**Defendants.**

**Case No.** \_\_\_\_\_

**Judge:** \_\_\_\_\_

**Magistrate Judge:** \_\_\_\_\_

**NOTICE OF REMOVAL OF DEFENDANTS ABESS H. AWADA AND UNIVERSAL  
TRANSPORTATION SERVICES, LLC d/b/a CALHOUN TRUCK LINES**

Abess H. Awada and Universal Transportation Services, LLC d/b/a Calhoun Truck Lines, Defendants in an action instituted in the Court of Common Pleas, Lucas County, Ohio, Case No. G-4801-CI-0202001587, now come before this Court upon this Notice of Removal pursuant to 28 U.S.C. §1441 and 28 U.S.C. §1446, and respectfully show that:

1. An action was commenced by Plaintiff Gwendolyn Bailey by filing a Complaint in the Court of Common Pleas, Lucas County, Ohio, on February 25, 2020, entitled: *Gwendolyn Bailey. v. Tyler Joseph Clair, et al.*, Case No. G-4801-CI-0202001587 (hereinafter referred to as “the Bodily Injury Action”). A copy of Plaintiff’s Complaint is attached hereto as Exhibit “A.”

2. Service of Plaintiff’s Complaint in the Bodily Injury Action was perfected upon Defendant Universal Transportation Services, LLC d/b/a Calhoun Truck Lines on or about March 3, 2020.

3. On March 17, 2020, Defendants Abess H. Awada and Universal Transportation Services, LLC d/b/a Calhoun Truck Lines filed a joint Answer to Plaintiff’s Complaint and Cross-Claim against Defendants Tyler Joseph Claire and Secord Farms, LLC. A copy of said Answer and Cross-Claim is attached hereto as Exhibit “B.”

4. On March 17, 2020, Defendants Abess H. Awada and Universal Transportation Services, LLC d/b/a Calhoun Truck Lines filed a joint Amended Answer to Plaintiff’s Complaint and Amended Cross-Claim against Defendants Tyler Joseph Claire and Secord Farms, LLC. A copy of said Amended Answer and Amended Cross-Claim is attached hereto as Exhibit “C.”

5. On March 20, 2020, Defendants Tyler Joseph Clare and Secord Farms, LLC filed a joint Answer to Plaintiff’s Complaint and Cross-Claim against Defendants Abess H. Awada and Calhoun Truck Lines, LLC. A copy of said Answer and Cross-Claim is attached hereto as Exhibit “D.”

6. On March 20, 2020, Defendants Abess H. Awada and Universal Transportation Services, LLC d/b/a Calhoun Truck Lines filed a joint Answer to the Cross-Claim of Defendants Tyler Joseph Clare and Secord Farms, LLC. A copy of said Answer is attached hereto as Exhibit “E.”

7. On March 24, 2020, Defendants Tyler Joseph Clare and Secord Farms, LLC filed a joint Answer to the Cross-Claim of Defendants Abess H. Awada and Universal Transportation Services, LLC d/b/a Calhoun Truck Lines. A copy of said Answer is attached hereto as Exhibit “F.”

8. This removal is timely pursuant to 28 U.S.C. §1446(b), because the thirty (30) day time period to file the Notice of Removal has not expired.

9. The accident that is the subject matter of Plaintiff’s Complaint occurred on February 27, 2018 in Lucas County, Ohio.

10. Plaintiff Gwendolyn Bailey is a resident of the State of Ohio.

11. Defendant Tyler Joseph Clair is a resident of the State of Michigan.

12. Defendant Secord Farms, LLC is incorporated under the laws of the State of Michigan, and maintains a principal place of business located at 10957 Telegraph Road, Erie, Michigan 48133.

13. Defendant Abess H. Awada is a resident of the State of Michigan.

14. Defendant Universal Transportation Services, LLC d/b/a Calhoun Truck Lines is incorporated under the laws of the State of Minnesota, and maintains a principal place of business at 9845 West 74<sup>th</sup> Street, Eden Prairie, Minnesota 55344.

15. The Plaintiff and Defendants are completely diverse in regard to residence.

16. Plaintiff Gwendolyn Bailey has alleged in her Complaint that she incurred damages in excess of Twenty Five Thousand Dollars (\$25,000.00) (exclusive of costs and interest). The damages alleged include bodily injuries, contained pain and suffering, difficulty performing her normal daily living activities, and past and future medical expenses. Upon information and belief, Plaintiff’s claimed medical expenses are in excess of \$38,000.00.

17. If the claims as alleged by the Plaintiff are proven, the amount of potential damages will exceed seventy-five thousand dollars (\$75,000.00), exclusive of costs and interest.

18. Defendants Tyler Joseph Clair aka Clare and Secord Farms, LLC have consented to the removal of this case to Federal Court.

19. The subject Bodily Injury Action is a civil action involving a Plaintiff who resides within the State of Ohio; two (2) individual Defendants that are Michigan residents; a corporate Defendant that is a Michigan corporation; and a corporate Defendant that is a Minnesota corporation.

20. Accordingly and based upon the above, diversity of citizenship is complete, and the amount in controversy exceeds the sum of Seventy-Five Thousand and 00/100 Dollars (\$75,000.00), exclusive of interest and costs. As such, the District Courts of the United States have original jurisdiction over this matter pursuant to 28 U.S.C. §1332. The subject action therefore may be removed from State Court to this Court, pursuant to 28 U.S.C. §1441(a).

**WHEREFORE,** Petitioners and Defendants Abess H. Awada and Universal Transportation Services, LLC d/b/a Calhoun Truck Lines pray that the Bodily Injury Action now pending against them by Plaintiff Gwendolyn Bailey in the Court of Common Pleas of Lucas County, Ohio, Case No. G-4801-0202001587, be removed therefrom to this Court.

Respectfully submitted,

JURCA & LASHUK, LLC

Dated: March 27, 2020

/s/ Sean P. Casey

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*Attorneys for Defendants Abess H. Awada and*

*Universal Transportation Services, LLC d/b/a*

*Calhoun Truck Lines*

**CERTIFICATE OF SERVICE**

The undersigned does hereby certify that the foregoing was sent via the Court's electronic filing system, this 27th day of March, 2020, upon the following:

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/s/ Sean P. Casey

Sean P. Casey